-- REMARKS --

The present amendment replies to an Office Action dated February 5, 2008. Claims 1-23 are pending in the present application. Claims 1, 17, and 22 have been amended, claim 4 cancelled, and claims 24-28 added herein. In the Office Action, the Examiner rejected pending claims 1-23 on various grounds. The Applicants respond to each ground of rejection as subsequently recited herein and respectfully request reconsideration of the present application.

35 U.S.C. §112

Claims 17 and 22 were rejected under 35 U.S.C. §112, second paragraph, as being unclear as reciting "waiting if conditions are not meant, and extracting funds transfer instructions from the funds transfer data by applying a funds transfer interface if the conditions are met." The Applicants respectfully note that claims 17 and 22 were amended in the Applicants' response dated November 5, 2007, to address the Examiner's prior office action. Claims 17 and 22 were amended to delete the "waiting" and to clarify that the extracting occurs when the conditions are met.

The Examiner rejected claims 17 and 22 as being unclear as to why one would complete a transaction and then add the funds transfer static data and the funds transfer status data to the payment input data to form funds transfer data. As stated previously in the Applicants' response dated November 5, 2007, to address the Examiner's prior office action, the Applicant respectfully points out that the transaction is being completed to the point of payment. Customer 20 selects items to purchase or bills to pay and completes the transaction to the point where payment is required. *See* US 2002/0055907 - [0027]. Adding the funds transfer static data and the funds transfer status data to the payment input data to form funds transfer data assembles all the payment information for the transaction, so that the payment can be made over any electronic funds transfer network when the funds transfer conditions are met. *See* US 2002/0055907 – Figure 2.

Withdrawal of the rejection of claims 17 and 22 under 35 U.S.C. §112, second paragraph, is respectfully requested.

35 U.S.C. §103

Obviousness is a question of law, based on the factual inquiries of 1) determining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and 3) resolving the level of ordinary skill in the pertinent art. *Graham v. John Deere Co.,* 383 U.S. 1, 148 USPQ 459 (1966). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka,* 490 F.2d 981, 180 USPQ 580 (CCPA 1974). *See* MPEP 2143.03. The Applicants respectfully assert that the cited references fail to teach or suggest all the claim limitations.

Claims 1-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,078,907 to Takayama (the *Takayama* patent) in view of U.S. Patent No. 6,173,272 to Guthrie, *et al.* (the *Guthrie* publication).

The Applicants respectfully assert that the *Takayama* patent and the *Guthrie* publication, alone or in combination, fail to teach or suggest all the claim limitations. The Applicants' invention is directed to an electronic payment system and method allowing payment by a single action over any electronic finds transfer network and using any pre-determined local or international electronic funds transfer and settlement network. The *Takayama* patent and the *Guthrie* publication fail to disclose:

An electronic payment system for a customer to direct payment over an electronic funds transfer network from an originating bank, including means for storing funds transfer static data, the funds transfer static data including <u>identification of the electronic funds transfer network selected by the customer</u>, as recited in independent claim 1;

An electronic payment method for a customer to direct payment over an electronic funds transfer network from an originating bank, including establishing funds transfer static data, the funds transfer static data including <u>identification of the electronic funds transfer network selected by the customer</u>, as recited in independent claim 17; or

A computer readable medium storing a computer program for electronic payment, including computer readable code for establishing funds transfer static data,

the funds transfer static data including <u>identification of the electronic funds transfer network selected by the customer</u>, as recited in independent claim 22.

At most, the *Takayama* patent discloses an electronic settling or settlement system that provides a settling function for retail sales transactions involving the use of credit cards (bank cards). *See* column 1, lines 7-15. The owner of the payment means need not carry multiple credit cards, and the convenience of use for the owner is enhanced. *See* column 6, lines 29-33. Thus, the *Takayama* patent fails to disclose identification of the electronic funds transfer network selected by the customer as claimed, which permits funds transfer from an originating bank to a beneficiary bank over the selected electronic funds transfer network. The *Takayama* patent is limited to credit card transactions.

At most, the *Guthrie* publication discloses participating financial institutions, such as banks 80 and 82, maintain at least one settlement account 85 reserved for transactions involving transactor site 30. User B logs in to transactor site 30 and specifies in what form he wishes to receive the funds. If User B specifies that he wishes to receive the funds from User A in his checking or other financial account 88 with Bank B 82, transactor site 30 issues transaction-related instructions to both Bank A and Bank B. In one embodiment, transactor site 30 transmits instructions directing Bank A to transfer funds from User A's account 87 to Bank A's settlement account 85. Similarly, transactor site 30 transmits instructions to Bank B directing Bank B to transfer funds from its settlement account 86 to User B's account 88. *See* Figure 11; paragraphs [0099]-[0101]. Thus, the *Guthrie* publication fails to disclose identification of the electronic funds transfer network <u>selected by the customer</u> as claimed. In the *Guthrie* publication, the transactor site and banks control the selection of the electronic funds transfer network, not the customer.

Claims 2-16, claims 18-21, and claim 23 depend directly or indirectly from independent claims 1, 17, and 22, respectively, and so include all the elements and limitations of their respective independent claims. The Applicants therefore respectfully submit that dependent claims 2-16, 18-21, and 23 are allowable over the *Takayama* patent and the *Guthrie* publication for at least the same reasons as set forth above with respect to their respective independent claims.

Should the Examiner maintain the rejection of dependent claims 2-16, 18-21, and 23, the Applicants respectfully request that the Examiner identify where each element as claimed is found in the references, as required under *Graham v. John Deere* and *KSR*. To meet the requirements of *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. *See* MPEP 706.02(j) & 2141. To facilitate review, this analysis should be made explicit. *See KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007).

Specific dependent claims are discussed in detail below. While the specification is not to be read into the claims, the verbiage of the claims must be considered to possess their ordinary usage as would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification. *See* MPEP 2111.

Regarding dependent claim 2, the *Takayama* patent and the *Guthrie* publication fail to disclose funds transfer business logic, such as funds transfer business logic 64 to determine the least cost or most expeditious method to execute the funds transfer. *See* US 2002/0055907 – [0032].

Regarding dependent claim 3, the *Takayama* patent and the *Guthrie* publication fail to disclose the funds transfer static data comprising bank funds transfer information.

Regarding dependent claims 8-10, the *Takayama* patent and the *Guthrie* publication fail to disclose the payment button appearing on a merchant Web page, the payment button appearing in an electronic wallet, the payment button providing a blank for the customer to enter a customer ID.

Regarding dependent claim 20, the *Takayama* patent and the *Guthrie* publication fail to disclose checking biometric information.

Regarding dependent claim 21, the *Takayama* patent and the *Guthrie* publication fail to disclose checking a software key.

Withdrawal of the rejection of claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over the *Takayama* patent in view of the *Guthrie* publication is respectfully requested.

New Claims

Claims 24-28 have been added herein to more particularly point out and distinctly claim the Applicants' invention. Claims 24-28 are allowable over the cited references for at least the reasons discussed above for their respective independent claims 1, 17, and 22. No new matter has been added with the inclusion of claims 24-28, which are supported in the specification at least on Figures 2 and 3, and pages 10-14.

SUMMARY

Reconsideration of the rejection of claims 1-23 and consideration of claims 24-28 is respectfully requested in light of the remarks herein. The Applicants submit that claims 1-28 fully satisfy the requirements of 35 U.S.C. §§102, 103, and 112. In view of foregoing remarks, favorable consideration and early passage to issue of the present application are respectfully requested.

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Respectfully submitted,

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